



INTERIOR BOARD OF INDIAN APPEALS

Albert J. Firchau v. Metlakatla Indian Community and Commissioner of Indian Affairs

13 IBIA 4 (08/06/1984)

Related Board case:
5 IBIA 188



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ALBERT J. FIRCHAU,
Appellant

v.

COMMISSIONER OF INDIAN AFFAIRS,
Appellee

: Order Accepting Settlement
:
:
: Docket No. IBIA 81-4-A
:
:
: August 6, 1984

On September 2, 1980, the Board of Indian Appeals (Board) received a notice of appeal from Albert J. Firchau (appellant), seeking review of a July 28, 1980, decision of the Acting Deputy Commissioner of Indian Affairs. Appellant had been assessed damages in the amount of \$656,776.45 for breach of Timber Harvest Contract No. E00C14200696, on the Metlakatla Indian Reservation.

The Board received the administrative record in this matter on October 30, 1980. After reviewing the record, the Board determined that an evidentiary hearing was required. By order dated November 5, 1980, the case was referred to the Hearings Division of the Office of Hearings and Appeals for an evidentiary hearing and recommended decision. The case was assigned to Administrative Law Judge E. Kendall Clarke.

On June 12, 1984, the parties to this case presented a settlement agreement to Judge Clarke. Under the settlement, Steve Seley of Ketchikan, Alaska, completed appellant's obligations under the timber contract. The Metlakatla Community and the United States moved the United States District Court for the District of Alaska to dismiss a pending damages case against appellant. Accordingly, there was no dispute remaining to be resolved in this administrative proceeding.

Judge Clarke accepted the settlement and dismissed the appeal on July 31, 1984. Under the terms of the referral of this matter to Judge Clarke, the Board will treat this dismissal as a recommended decision that the appeal be dismissed. Judge Clarke's recommended decision is accepted, and the dismissal is granted.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the settlement submitted in this matter by the parties is accepted and the case is dismissed.

//original signed
Bernard V. Parrette
Chief Administrative Judge

//original signed
Jerry Muskrat
Administrative Judge

//original signed
Anne Poindexter Lewis
Administrative Judge